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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 CHARLES V. REED,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON, et al.,

12 Defendants.

Case No. C09-5677BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”) of
14 the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 79) and Plaintiff
15 Charles Reed’s (“Reed”) objections to the R&R (Dkt. 80).

16 On June 29, 2011, Judge Creatura issued the R&R recommending that the Court
17 grant Defendant Michael Hughes’ (“Hughes”) motion to dismiss Reed’s complaint and that
18 the Court grant Reed leave to amend his complaint. Dkt. 79. Judge Creatura found Reed
19 has failed to allege sufficient facts to support his federal claims. *Id.* On July 14, 2011, Reed
20 objected to the R&R on the basis that Hughes had failed to show that he is entitled to a
21 dismissal of Reed’s claims. Dkt. 80 at 11.

22 Contrary to Reed’s objections, Hughes is entitled to dismissal of Reed’s current
23 complaint because Reed has failed to allege sufficient facts to support his claims for relief.
24 Reed, however, should be granted leave to file an amended complaint that alleges sufficient
25 facts to support his claims. Reed claims that he is “able to offer both, oral and documentary
26 evidence that will prove officially sanctioned behavior by the defendant violative [sic] of
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1 Reed's rights in forum of reprisal" At this point of the proceeding, Reed must only
2 provide sufficient allegations of specific facts, which he has failed to do in his current
3 complaint.

4 Judge Creatura recommends that "Reed be instructed to use the form for a civil rights
5 complaint provided by the court for inmates." The Court agrees and instructs Reed to state,
6 as clearly and concisely as possible, facts describing the conduct of Hughes that violated
7 Reed's rights.

8 Therefore, the Court having considered the R&R, Reed's objections, and the
9 remaining record, does hereby find and order as follows:

- 10 (1) The R&R is **ADOPTED**;
- 11 (2) Hughes' motion to dismiss is **GRANTED**;
- 12 (3) Reed is **GRANTED** leave to amend and Reed shall file an amended complaint
13 no later than September 2, 2011 or face dismissal of this action; and
- 14 (4) This matter is **RE-REFERRED** for further proceedings..

15 DATED this 8th day of August, 2011.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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